THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.13410 OF 2006

04.07.2006

Between:

Malepathi Leelavathamma, W/o.late Ramaiah

… Petitioner

AND

The Joint Collector, Nellore District
And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.13410 OF 2006

ORDER:

Aggrieved by the grant of pattadar passbook and title deed under the provisions of A.P. Rights in Land and Pattadar Pass Books Act, 1971 (the Act, for brevity) in favour of the fourth respondent on 08.8.2005, the petitioner is before this Court. She seeks a direction to the respondents to cancel the patta, pattadar passbook and title deed issued to the fourth respondent.

It is the case of the petitioner that the Mandal Revenue Officer, Kaligiri Mandal (MRO), assigned an extent of Acs.5.00 in survey No.191-1 of Kaligiri on 28.12.1998 and subsequently in 2003 she was also issued pattadar passbook and title deed. She statedly raised eucalyptus plantation in the land. She alleges that on 08.8.2005 fourth respondent was granted pattadar passbook and title deed. Thereafter fourth respondent allegedly threatened to dispossess the petitioner and, hence, this writ petition is filed.

A copy of the patta allegedly granted to fourth respondent is not placed before this Court. Xerox copies of the pattadar passbook No.410696 and title deed issued vide MRO's file F.D.No.571/05 dated 08.8.2005 are annexed to the writ petition. Therefore, it becomes clear that the fourth respondent was already granted pattadar passbook in August 2005. In such an event, the remedy of the petitioner is to approach the Revenue Divisional Officer under Section 5(5) of the Act or Rule 13 of A.P. Rights in Land and Pattadar Pass Books Rules, 1989 for redressal. There is a dispute as regarding the identity of the land. Indeed the petitioner claims to have been assigned the land admeasuring Acs.5.00 in survey No.191-1 and the MRO, the third respondent herein, issued pattadar passbook (Patta No.231) to the fourth respondent in respect of the same land. This dispute, therefore, cannot be resolved in writ proceedings. Liberty is given to the petitioner to avail other remedies under the Act or Board Standing Orders.

The writ petition, with the above observations, is accordingly dismissed. No costs.

(**V.V.S.RAO, J**)

July 04, 2006
YS